

ENGLAND AND WALES / JUDGMENT

R v Richard Lawrie

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[2025] EWCA Crim 1732 IN THE COURT OF APPEAL CRIMINAL DIVISION ON APPEAL FROM THE CROWN COURT AT CARLISLE HHJ FANNING CP Nos: 03NN0375025/03NN0446225 CASE NO 202503543/A5 Royal Courts of Justice Strand London WC2A 2LL Before: Wednesday, 10 December 2025 THE VICE PRESIDENT OF THE CACD (LORD JUSTICE EDIS) MR JUSTICE PEPPERALL MR JUSTICE SHELDON REFERENCE BY THE ATTORNEY GENERAL UNDER S.36 OF THE CRIMINAL JUSTICE ACT 1988 REX V RICHARD LAWRIE

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MISS A POPE appeared on behalf of the Attorney General MR G ROGERSON appeared on behalf of the Offender

J U D G M E N T THE VICE PRESIDENT:

1. This is an application by His Majesty's Solicitor General under section 36 of the Criminal Justice Act 1988 whereby she invites this court to review a sentence imposed by His Honour Judge Fanning at the Carlisle Crown Court on 10 September 2025. She submits that the sentence was unduly lenient and that it should be increased.
2. The judge had to deal with a large number of offences to which the offender had pleaded guilty at the first available opportunity in the Magistrates' Court and in respect of which he had been committed to the Crown Court for sentence. In total there were 22 charges. The Sentence
3. The judge dealt with the sentence by imposing a sentence of two years' imprisonment in respect of a number of those offences and by imposing all other sentences concurrently. That two year term of imprisonment was arrived at by the judge assessing a sentence, had there been trials in this case, of three years. The offender was then entitled to maximum credit for his early pleas which is how the judge arrived at the final result of two years' imprisonment.

4. That was a sentence of a length which would have rendered its suspension lawful. The judge considered whether it should be suspended and concluded that in the circumstances of this case, which we shall set out a little more fully in a moment, it would have been wrong to suspend the sentence. Adopting the language of the imposition guideline, the prospects of rehabilitation in this case are extremely poor and the seriousness of the offending taken together is such that only an immediate custodial sentence can provide appropriate punishment. There is a history of poor compliance with court orders and no reason to suppose that the offender will comply with any such orders in the future. For these reasons the judge decided not to suspend the sentence. The offences
5. The offences are divided into groups for reasons which we will explain in a moment. Offences 1 to 6 all relate to indecent images of children. Offence 1 is an offence of publication of an obscene article. This resulted in a two year term of imprisonment. Offence 2 is making an indecent photograph of a child in Category B and relates to six images. The term was six months' imprisonment concurrently. Charge 3, a further offence of making an indecent photograph of a child, this time six images in Category C. A two month concurrent term was imposed in respect of that. Charge 4 related to six Category A images and attracted a concurrent term of two years' imprisonment. Charges 5 and 6 were allegations of distributing indecent photographs of children. Each related to a single image. Each resulted in a concurrent term of two months' imprisonment.
6. The second set of offences involved further allegations of making indecent photographs of children. There were 350 images in Category A, 164 images in Category B and 210 images in Category C. The three charges reflecting each of those categories resulted in respective terms of imprisonment concurrently of two years, six months and two months. Next there was a charge of possession of extreme pornographic images. This involved 13 images of adult females engaging in sexual conduct with animals. A concurrent term of six months was imposed in respect of that.
7. Finally, the offender had a previous conviction which had resulted in his being subject to notification requirements in relation to the sex offenders register. He had created four accounts under false names for his use in communicating with other paedophiles. This included sharing images and fantasies online. Each of those counts was the subject of an offence to which the offender pleaded guilty of failing to comply with the notification requirements because he ought not to have had any such accounts of which the police were unaware. The judge imposed concurrent terms of one year's imprisonment in relation to each of those four offences.
8. Other orders were imposed on the offender. It is unnecessary to record them in detail but there was a Sexual Harm Prevention Order which will last for 15 years. The Offender

9. The offender is now 50 years old. The notification requirements to which we have referred related to a conviction recorded in Scotland in 2011 for making indecent images of children. We should record the fact that both in respect of that previous conviction and in respect of the offences with which we are dealing "making" is a term of art; it means, in this context, downloading from the internet onto the offender's personal device so that he can access them.
10. The images we have described by category and number were recovered from a phone and a USB drive belonging to the offender. He had downloaded them over a three year period. He was in contact with other like-minded paedophiles using encrypted messaging applications. The offending therefore took place over a long period of time. The Solicitor General's submissions
11. Miss Pope, who appears before us to argue this application on behalf of the Solicitor General, makes in outline three submissions. First, she complains that the judge's categorisation of the four notification offences as involving category 2 harm for guideline purposes was too low. The categorisation ought to have been category 1 harm, says Miss Pope, and that should have resulted in a longer overall term of imprisonment, whether by increasing the terms which were imposed and imposing concurrent sentences or by the imposition of consecutive sentences for the notification offences.
12. Secondly, she submits that the overall sentence imposed by the judge did not involve an adequate uplift to take into account the length of time over which the offending occurred and the amount of offending which took place.
13. Thirdly, and in summary, the Solicitor General submits that the overall sentence did not reflect the overall seriousness of the offences. The facts
14. The offending came to light when police officers and offender managers attended at the offender's home in Carlisle on 9 June 2025. He handed over his phone and a USB drive. He admitted that these were his devices and that he had been using them for accessing and saving indecent images of children. The reason why the offences of making indecent images were in two tranches was that an initial investigation of the phone identified a relatively modest number of images, but subsequent more detailed investigation of the devices revealed very much larger numbers of images on them.
15. When the police arrived the offender's phone was logged into an encrypted private anonymous messaging application called "Session" using an account with the user name "SPUK40". That application appears to have been in use since the previous April. There were also two Google accounts, one which was created in December 2022 in the name of Chris Coates and the second in the name of Belle Lawrie created on 13 December 2019.
16. Finally, a second mobile phone was examined. That was seen to be logged into a separate further account with an application called "Discord". The name of this account was "richcoin" and that had been created as long ago as 15 December 2018. The images and messages

17. The messages which the offender had sent to other paedophiles using these messaging applications were particularly repellent. He said to one (apparently female) correspondent that he wanted her to get pregnant by him and he told her that he wanted to rape babies and toddlers. He said similar things to other people. He clearly has a firmly established fantasy, as it appears to be, involving raping small children and babies. He said that he enjoyed watching them screaming in agony.
18. On 6 June 2025 he shared two images with two different people. These were both young female children, one who was perhaps 10 or 12 years old and the second eight or 10 years old. Both of them were naked showing their genital area. They were not engaged in any sexual activity which is why the images are classified as Category C images. They are nevertheless images which result from an act of humiliation of a child, that humiliation being inflicted for the sexual gratification of people like the offender.
19. When the larger number of images was identified these confirmed his interest in sadistic abuse, torture and rape of babies and very young children. There were video or moving images as well as still images. Indeed the majority of the images were videos. Some of them showed children in obvious pain and manifesting distress.
20. The judge had the guidelines published by the Sentencing Council which he was required to follow. The Council publishes a guideline for possession of indecent photographs of children and a further guideline for the offence of failing to comply with notification provisions. In addition, there are the overarching guidelines which were relevant to this case, one dealing with totality and the other with reduction in sentence for a guilty plea.
21. The judge was required to assess a sentence for the offences of possession or making of indecent images. He concluded that the appropriate category was category A because of the nature of the most serious images. The volume of these Category A images was a highly significant factor. That category ranges from 26 weeks' imprisonment to three years' imprisonment. A starting point is identified by the council of one year. The sentence for those offences was required to take into account the previous conviction, the age and vulnerability of the children, the pain and distress which was visible in the images and films, the period over which these images were collected and possessed, the number of images and, significantly, active involvement in a network that facilitates or commissions the creation or sharing of indecent images of children and a large number of victims.
22. The judge, as we have said, selected the top of the appropriate category, namely three years' imprisonment, as the sentence for the Category A offences before allowing the appropriate discount for the very early guilty pleas. In doing so he had regard to all of those aggravating factors.
23. So far as the failure to comply with the notification provisions guideline is concerned, there was no doubt that these were culpability A offences because of the very long period of non-compliance. Mr Gerard Rogerson, who has argued the offender's case before us persuasively and in an appropriately restrained manner, accepts that the period of time was indeed long,

although he submits that it may have been overstated in the Reference. We accept that submission but the length of the period was such that clearly culpability A was engaged whatever the outcome of that dispute.

24. The real issue which the judge had to resolve in relation to this guideline was whether harm should be assessed as category 1 or category 2. The guideline says: "The level of harm is determined by weighing up all the factors of the case to determine the harm that has been caused or was at risk of being caused. In assessing any risk of harm posed by the breach, consideration should be given to the original offence(s) for which the order was imposed and the circumstances in which the breach arose."
25. A category 1 case for harm involves a breach which causes or risks very serious harm or distress. Category 2 harm involves cases at a lower level than that and category 3 harm describes a case where there is no harm or distress either caused or risked. The argument here is whether it was category 1 or 2. In support of the submission that it should have been category 1, Miss Pope submits, as she is entitled to do, that the nature of this offending is such that it creates a market for demand for images which are created by filming or photographing real acts of sexual violence against real children. Those serious crimes would not be committed if there were not a demand for images of this kind and therefore people like this offender, who fuel that demand, have a role in causing the sexual offences which are the result of it. On the other hand, Mr Rogerson submits that notification requirements may be imposed following conviction for a wide range of sexual offences. They will include offenders who have committed serious contact offences against victims in a very direct way. They may thereby demonstrate a propensity for committing similar offences in the future. If their failure to comply with notification requirements is designed to enable them directly to access and rape a child that would be a breach which would cause or risk very serious harm or distress of a very direct kind. The harm or distress in this kind of case with which we are currently dealing is undoubtedly real but less direct. The judge accepted that submission and selected category A2 in consequence of that. That category has a range of 26 weeks to two years and a starting point of one year. The higher category, category A1 would have a starting point of two years' imprisonment with a range of one to four years.
26. In respect of all cases the aggravating factor of most significance was the previous conviction and it is also true that the offender had been quite recently previously cautioned for failing to comply with notification requirement. That caution had been recorded during the period of the commission of the present offences. He continued to commit those offences after the caution and was not in any way deterred by it.
27. Finally, the court was required to consider the approach to totality set out in the totality guideline.
28. The court had a pre-sentence report which makes very distressing and worrying reading. It appears that this offender is firmly set in his ways and poses a danger to children.

29. The judge's sentencing remarks identify and explain the approach which he took. There were a number of different ways in which he might have structured the sentence which he imposed. He could have used consecutive terms but chose concurrent terms. He directed himself that the appropriate way of proceeding was to identify a sentence which was proportionate to the whole of the offending. He was aware of the seriousness of this kind of offending which arises from the matters we have already identified. He did make the point, as he was right to do, that there was here no contact offending. That should be qualified as an observation by recording the offender's professed determination to carry out some contact offending in the future as expressed in his messaging and by the fact that an offender who is as determined to offend in this way, despite various measures in place to attempt to restrain him, plainly poses a significant risk. The judge decided, as we have said, that the proportionate sentence for the overall offending after reduction for the guilty pleas was two years and that for the reasons given at the start of this judgment it should not be suspended. Discussion and decision
30. Miss Pope has persuaded us that this was a sentence at the lower end of what is appropriate but not that it was an unduly lenient sentence. We consider that it was open to the judge to impose a longer term than he did. If he had taken a sentence before making a discount for a plea of four years that could not have been the subject of any criticism, indeed a sentence in excess of that level may also have been justified on these facts. Given that any higher level of sentence would have had to be reduced by the same proportion as the judge's term of three years, the difference in the final result between a sentence of four years' imprisonment and a sentence of three years' imprisonment is relatively modest. In our judgment the scheme which allows sentences to be reviewed by this court and increased where appropriate is not, in general, designed to address cases where the end result of the sentence may have been a few months longer than it was. If the difference between this court's assessment of an appropriate sentence and that of the sentencing judge is as small as that, it means that the approach of the sentencing judge was within the range available properly to him. We do not doubt that this offender committed very serious offences which required a substantial term of immediate imprisonment. Three years before credit for a plea is a substantial term of imprisonment. If there is any recurrence of this offending, future terms will be longer still.
31. In these circumstances, we grant leave to the Solicitor General to bring this application but we refuse to increase the sentence for the reasons we have just explained. Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof. Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE Tel No: 020 7404 1400 Email: rcj@epiqglobal.co.uk

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